

STATE OF INDIANA	)	
	) SS:	IN THE LAKE CIRCUIT COURT
COUNTY OF LAKE	)	CROWN POINT, INDIANA
SHANA KONEY and RONALD KONEY,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	Cause Number: 45C01-1908-CT-000836
	)	
SUBURBAN ELEVATOR CO.,	)	
	)	
Defendant.	)	

**FIRST AMENDED COMPLAINT**

**Count I**

Plaintiffs, Shana and Ronald Koney, by counsel, for Count I of their Complaint against the Defendant, Suburban Elevator Co., state:

1. At all relevant times, Plaintiffs, Shana Koney and Ronald Koney were citizens and residents of Valparaiso, Indiana.
2. Suburban Elevator Co. is a foreign for-profit corporation doing business in Indiana.
3. On August 2, 2018, there existed a building located at 2600 W. 93<sup>rd</sup> Ave., Crown Point, Indiana 46307, in which Lake County Community Corrections operated.
4. On that date, Suburban Elevator Co. operated, managed, maintained, repaired and controlled the automatic elevator located on the premises.
5. On that date, Plaintiff Shana Koney was lawfully on the premises acting in the course and scope of her employment with Lake County and Lake County Community Corrections.

6. On that date, while Plaintiff Shana Koney was a passenger, the automatic elevator malfunctioned and did not operate properly, creating a dangerous condition.

7. Defendant Suburban Elevator Co. knew or should have known of the condition of the elevator and knew or should have known it was a hazardous condition.

8. Defendant Suburban Elevator Co. had direct or constructive notice of the dangerous and hazardous condition.

9. Suburban Elevator Co., by and through its agents and/or employees, failed to act in a reasonable manner and were negligent and/or willful and wanton, causing severe and permanent injuries to Shana.

10. As a direct and proximate result of Defendant's negligence and/or willful and wanton acts or omissions, Shana sustained severe and permanent injuries.

11. As a proximate result of Defendant's negligence and/or willful and wanton acts or omissions, Shana suffered permanent and severe personal injuries, has incurred medical expenses and will continue to incur additional medical expenses for the foreseeable future, suffered and will continue to suffer physical pain, mental suffering, disability, disfigurement, terror, fright, humiliation, loss of enjoyment of life, has lost earnings from her employment and sustained an impairment of her ability to earn wages in the future, and has sustained other permanent injuries and damages of a personal and pecuniary nature.

**WHEREFORE**, Plaintiffs, Shana Koney and Ronald Koney, respectfully request judgment in their favor and against the Defendant, Suburban Elevator Co., for compensatory

and punitive damages, for the costs of this action, prejudgment interest, and for all other just and proper relief.

/s/ Beth Brown Nowak  
Beth Brown Nowak, Attorney for  
Plaintiffs, Atty. No.: 24108-64

### Count II

Plaintiffs, **Shana and Ronald Koney**, by counsel, for Count II of their Complaint against the Defendant, Suburban Elevator Co., state the following:

12. Plaintiffs incorporate by reference paragraphs 1-11 of Count I of their Complaint as and for paragraph 12 of Count II of their Complaint.

13. At all relevant times, the elevator was under the exclusive care, control and/or management of Suburban Elevator Co.

14. On August 2, 2018, while a passenger in the elevator, Shana Koney, was under the exclusive care, control and/or management of Suburban Elevator Co.

15. In the normal course of events, an automatic elevator does not suddenly drop to the ground abruptly in a free-fall, all while under the care, control and/or management of Suburban Elevator Co.

16. As a direct and proximate result of the foregoing acts and/or omissions, Shana sustained severe and permanent injuries.

17. As a proximate result of the foregoing acts and/or omissions, Shana suffered permanent and severe personal injuries, has incurred medical expenses and will continue to incur additional medical expenses for the foreseeable future, suffered and will continue to suffer physical pain, mental suffering, disability, disfigurement, terror, fright, humiliation, loss of

enjoyment of life, has lost earnings from her employment and sustained an impairment of her ability to earn wages in the future, and has sustained other permanent injuries and damages of a personal and pecuniary nature.

**WHEREFORE**, Plaintiffs, Shana Koney and Ronald Koney, respectfully request judgment in their favor and against the Defendant, Suburban Elevator Co., for compensatory and punitive damages, for the costs of this action, prejudgment interest, and for all other just and proper relief.

/s/ Beth Brown Nowak  
Beth Brown Nowak, Attorney for  
Plaintiffs, Atty. No.: 24108-64

### Count III

Plaintiffs, Shana and Ronald Koney, by counsel, for Count III of their Complaint against the Defendant, Suburban Elevator Co., state the following:

18. Plaintiffs incorporate by reference paragraphs 1-17 of Count II of their Complaint as and for paragraph 18 of Count III of their Complaint.

19. At all relevant times, Shana Koney and Ronald Koney were lawfully wedded husband and wife.

20. As a result of the negligence of the Defendant, Plaintiff Ronald Koney was denied the love, society and companionship of his wife, Shana, for an indefinite period of time.

**WHEREFORE**, Plaintiffs, Shana Koney and Ronald Koney, respectfully request judgment in their favor and against the Defendant, Suburban Elevator Co., for compensatory

and punitive damages, for the costs of this action, prejudgment interest, and for all other just and proper relief.

/s/ Beth Brown Nowak  
**Beth Brown Nowak**, Attorney for  
Plaintiffs, Atty. No.: 24108-64

KELLY LAW OFFICES LLC  
5521 West Lincoln Highway  
Suite 101  
Crown Point, Indiana 46307  
Telephone: (219) 791-0606  
Email: [bbn@kelly-lawyers.com](mailto:bbn@kelly-lawyers.com)

**CERTIFICATE OF SERVICE**

I certify that on March 19, 2020, I electronically filed the foregoing document using the Indiana E-Filing System (IEFS) and that the foregoing pleading or paper was made upon each party or attorney of record via the Indiana E-Filing System.

Kelly Law Offices LLC

By: /s/ Beth Brown Nowak  
5521 West Lincoln Highway, Suite 101  
Crown Point, Indiana 46307  
Telephone: (219) 791-0606